

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFERSON-PILOT LIFE INSURANCE	:	CASE NO. C-1-02-479
COMPANY,	:	
	:	(Judge Watson)
Plaintiff/Counter Defendant,	:	(Magistrate Judge Hogan)
	:	
vs.	:	<u>MOTION FOR PROTECTIVE ORDER</u>
	:	
CHRISTOPHER L. KEARNEY,	:	
	:	
Defendant/Counter Plaintiff.	:	
	:	

Pursuant to the Court's March 14, 2007, Order (Doc. 142), plaintiff Jefferson-Pilot Insurance Company moves this Court for an order to enter the attached Protective Order. Jefferson-Pilot Insurance Company has provided the attached proposed order to counsel for defendant Christopher L. Kearney, who has not provided his assent or objection to the same. Therefore, Jefferson-Pilot Insurance Company requests the Court sign and enter the attached order so discovery may proceed.

The factual and legal bases for this motion are set forth in the attached memorandum in support.

Respectfully submitted,

/s Amy Gasser Callow
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Disability Management Services, Inc.

MEMORANDUM IN SUPPORT

On March 14, 2007, the Court entered an Order directing the parties to work cooperatively to reach an agreement regarding the confidentiality of the Jefferson-Pilot and DMS 1999 Administrative Services Agreement. (Doc. 142, p. 2). The Court directed the parties to tender an order to it that sets forth the terms of a confidentiality agreement covering the documents. (Doc. 142, p. 2). To this end, Jefferson-Pilot's counsel sent to Kearney's counsel a proposed order on April 13, 2007 (a copy of which is attached to this motion as Exhibit A), and requested comments or changes to the same. On April 18, 2007, counsel for Kearney responded and asked if there was already a protective order in the case and if so, that should be sufficient. On the same day, counsel for Jefferson Pilot responded and stated she did not believe there was a protective order in the case and that the proposed order was preferable since it specifically addresses the documents in question. (A copy of the email string regarding the protective order is attached as Exhibit B). Counsel for Kearney did not respond. On April 3, 2007, counsel for Jefferson-Pilot again requested that counsel for Kearney respond to the proposed protective order

and also informed him that if we heard no response by May 3, 2007, Jefferson-Pilot would present the proposed order to the Court for filing. (A copy of the letter is attached as Exhibit C). To date, counsel for Kearney has not responded. Therefore, Jefferson-Pilot requests that the Court enter the attached order. After the protective order is entered, Jefferson-Pilot will produce the confidential information to Kearney.

Respectfully submitted,

s/ Amy Gasser Callow

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed with the Court by electronic means on this 3rd day of May, 2007. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Amy Gasser Callow

William R. Ellis

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